

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TRUSTEES OF THE PAVERS AND ROAD BUILDERS
DISTRICT COUNCIL WELFARE, PENSION, AND
ANNUITY FUNDS and THE TRUSTEES OF THE
LOCAL 1010 APPRENTICESHIP, SKILL
IMPROVEMENT, AND TRAINING FUND,

Plaintiffs,

-against-

WESTBURY EQUIPMENT CORP.,

Defendant.

24 CV 4622 (BMC)

DEFAULT JUDGMENT

The Summons and Complaint in this action having been duly served on the above-named Defendant Westbury Equipment Corp. (“Westbury”) and said Defendant having failed to file an Answer to said Complaint, and said default having been duly noted, and upon the annexed Declarations and the exhibits thereto,

NOW, on the motion of Virginia & Ambinder, LLP, attorneys for Plaintiffs, it is hereby: ORDERED, ADJUDICATED, AND DECREED: that Plaintiffs Trustees of the Pavers and Road Builders District Council Welfare, Pension, and Annuity Funds and The Trustees of the Local 1010 Apprenticeship, Skill Improvement and Training Fund, have a judgment against Defendant Westbury, with its principal place of business at 112 Magnolia Avenue, Westbury, New York 11590 as follows:

1. Awarding delinquent contributions of \$36,128.40, union assessments of \$2,184, and dues check-offs of \$1,083.10 for the period of January 8, 2020 through June 30, 2023, interest thereon of at the annual rate of ten percent (10%) for a total of \$15,172.12, liquidated damages in the amount of ten percent (10%) of the delinquent contributions for a total of \$3,612.84, and audit costs of \$1,805;
2. Awarding estimated delinquent contributions of \$10,362.56 and estimated union assessments of \$488.80 for the period March through April 2024, interest thereon of at the annual rate of ten percent (10%) for a total of \$224.36, and liquidated

damages in the amount of ten percent (10%) of the estimated delinquent contributions for a total of \$1,036.26;

3. Awarding late payment interest of \$439.41, for the periods February 2023, April 2023, July and August 2023, and October 2023 through January 2024;
4. Awarding additional interest on the delinquent contributions contained in the Audit and estimated contributions owed for March and April 2024, calculated at the rate set forth in the CBA and Collection Policy from August 8, 2024 through the date of judgment, totaling \$_____;
5. Awarding attorneys' fees and expenses of \$3,550.80;
6. Awarding post-judgment interest calculated at the statutory rate; and
7. Awarding any other relief the Court finds just and proper.

Judgment dated: _____, 2024

By: _____
Hon. Brian M. Cogan, U.S.D.J.